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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,927	10/26/2000	Junichi Rekimoto	SONY-U0361	4756
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BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			PARTHASARATHY, PRAMILA	
			ART UNIT	PAPER NUMBER
			2136	

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/696,927

Applicant(s)

REKIMOTO ET AL.

Examiner

Pramila Parthasarathy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 2-4 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-17 and 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to remarks and amendments filed on May 18, 2006. Claims 1, 9, 17, 23 and 24 were amended. No claims were added. Claims 1, 5 – 17, and 19 – 24 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 17, 19 – 22 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 17, 19 and 24 recite the limitation "the synthesis" in "a step of generating data for authentication based on the synthesis of the variable user identification data and the fixed user identification data as extracted. There is insufficient antecedent basis for this limitation in the claim.

The dependent claims 19 – 22 are rejected at least by virtue of their dependency on the dependent claims and by other reason set forth in this office action.

Response to Arguments

Applicant's arguments filed on May 18, 2006, have been fully considered but they are not persuasive for the following reasons:

3. Regarding amended independent Claims 1, 9, 17, 23 and 24 applicant argued that although the cited prior art Alt et al. (U.S. Patent Number 6,580,356) teaches PIN number used for authentication, PIN number is not synthesized with any other data that could be consider user identification data. Applicant also argued that Alt and Nerlikar (U.S. Patent Number 5,629,981) individually or in combination fail to teach or suggest a portable device that synthesizes fixed user identification data and variable user identification data, wherein the synthesized data is used to perform authentication processing. These arguments are not found persuasive.

With respect to the argument "PIN number is not synthesized with any other data that could be consider user identification data ", Instant application specification details synthesizing fixed user identification and variable user identification data as "producing synthesized data using fixed user identifier and variable identifier", see instant specification pages 29 – 30. Alt discloses using PIN (fixed identification) as well as fingerprint (or iris) information of the wearer (variable information) and using both PIN and body link personal ID system providing information with respect to the identify of the user (see Alt Column 8 line 51 – Column 9 line 13 and Column 13 line 10 – 22).

With respect to the argument “Alt and Nerlikar (U.S. Patent Number 5,629,981) individually or in combination fail to teach or suggest a portable device that synthesizes fixed user identification data and variable user identification data, wherein the synthesized data is used to perform authentication processing”, Alt and Nerlikar were not cited for “a portable device that synthesizes fixed user identification data and variable user identification data, wherein the synthesized data is used to perform authentication processing”. Nerlikar in view of Alt was cited to disclose “a security system, which provides a secure; end-to-end fully automated solution for controlling access, transmission, manipulation, and audit ability of high value information comprising an RFID transponder badge (removable data storage) and an RF reader transceiver which is associated with a host peripheral or a network”.

Furthermore, Alt in view of Nerlikar discloses that the portable information processing device with fixed and variable removable data storage means.

4. Therefore, the examiner respectfully asserts that the cited prior art does teach or suggest the subject matter “PIN number is not synthesized with any other data” and “a portable device that synthesizes fixed user identification data and variable user identification data, wherein the synthesized data is used to perform authentication processing”, broadly recited in the independent claims 1, 9, 17, 23 and 24. The dependent claims 5 – 8, 10 – 16 and 18 – 22 are rejected at least by virtue of their dependency on the dependent claims and by other reason set forth in this office action.

Accordingly, the rejection for the pending claims 1 and 5 – 24 is respectfully maintained.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1 – 15 and 17 – 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Alt et al. (U.S. Patent No: 6,580,356).

Regarding Claim 1, Alt teaches a contact point A contacting the human body to establish a communication path through said human body (Fig. 5 #10 and Column 6 lines 60 – 67);

fixed data storage means for memorizing fixed user identification data capable of identifying a user (Fig. 6 #63 and Column 11 line 63 – Column 12 line 5);

variable data storage means for holding user identification data corresponding to a service furnished by said service furnishing device (Fig. 6 #64; Column 12 lines 1 – 5 and Column 8 line 3 – Column 9 line 35); and

synthesizing means for synthesizing fixed user identification data stored in said fixed data storage means and variable user identification data stored in said variable

data storage means (Fig.6 #60, Column 11 line 63 – Column 12 line 5 and Column 13 lines 10 – 22); and

outputting means for outputting at least authentication data which is based on at least said variable user identification data (Fig. 6 #60 and Column 11 lines 52 – 58); and

wherein said service furnishing device includes a contact point B contacting the human body to establish a communication path through said human body (Fig. 4 #32 and Column 7 lines 20 – 27);

control means for controlling service execution based on the results of the authentication processing which is based on said authentication data (Fig. 4 #33 and Column 7 lines 20 – 31).

Regarding Claim 9, Alt teaches a contact point A contacting the human body to establish a communication path through said human body (Fig. 5 #10 and Column 6 lines 60 – 67);

fixed data storage means for memorizing fixed user identification data capable of identifying a user (Fig. 6 #63 and Column 11 line 63 – Column 12 line 5);

variable data storage means for holding user identification data corresponding to a service identifier corresponding to a service furnished by said service furnishing device (Fig. 6 #64; Column 12 lines 1 – 5 and Column 8 line 3 – Column 9 line 35);

synthesizing means for synthesizing fixed user identification data stored in said fixed data storage means and variable user identification data stored in said variable

data storage means (Fig.6 #60, Column 11 line 63 – Column 12 line 5 and Column 13 lines 10 – 22); and

outputting means for outputting at least authentication data which is based on said variable user identification data (Fig. 6 #60 and Column 11 lines 52 – 58).

Regarding Claim 17, Alt teaches a step of transmitting service identification data from said service furnishing device to said portable information processing device through said contacts B and A (Fig. 4 and Column 10 lines 25 – 52);

a step of extracting variable user identification data stored in a variable user identification data storage means corresponding to said service identification data and extracting fixed user identification data stored in a fixed user identification data storage means (Column 6 line 60 – Column 7 line 30);

a step generating data for authentication based on the synthesis of the variable user identification data and the fixed user identification data as extracted (Column 8 line 34 – Column 9 line 4);

a step of outputting said data for authentication from said portable information processing device to said service furnishing device through said contact points A and B (Fig. 4, Column 7 lines 20 – 29 and Column 9 line 5 – 23); and

a step of controlling service execution in said service furnishing device based on the results of authentication processing for said data for authentication (Column 7 lines 20 – 31 and Column 9 lines 4 – 23).

Regarding Claim 23, Alt teaches a step of outputting service identification data from said service furnishing device through said contact point B to said portable information processing device (Fig. 6 #64; Column 8 line 3 – Column 9 line 35);

a step of receiving data for authentication generated by said portable information processing device based on synthesized fixed user identification data and variable user identification data corresponding to said service identification data through said contact point B (Fig. 4 and Column 10 lines 25 – 52); and

a step of controlling the service execution based on the result of authentication processing for said data for authentication (Column 7 lines 20 – 31 and Column 9 lines 4 – 23).

Regarding Claim 24, Alt teaches a step of receiving service identification data output from said service furnishing device to said portable information processing device through said contact point A (Fig. 4 and Column 10 lines 25 – 52);

a step of extracting fixed user identification data from a fixed data storage means and variable user identification data corresponding to said service identification data from a variable user identification data storage means (Column 6 line 60 – Column 7 line 30);

a step of generating data for authentication based on the synthesis of the variable user identification data and the fixed user identification data as extracted (Column 8 line 35 – Column 9 line 4); and

a step of computing said data for authentication from said portable information processing device to said service furnishing device through said contact point A (Column 8 lines 34 – 65).

Claim 5 is rejected as applied above in rejecting claim 1. Furthermore, Alt teaches means for generating user identification data for authentication corresponding to a service to be furnished (Column 8 line 34 – Column 9 line 4 and Column 10 lines 25 – 52); and

wherein said portable information processing device is configured for receiving user identification data for authentication generated by said means adapted for generating user identification data for authentication from said service furnishing device through said contact points A and B for storage as variable user identification data in said variable user identification data storage means (Fig. 4 and Column 10 lines 25 – 52).

Claim 6 is rejected as applied above in rejecting claim 1. Furthermore, Alt teaches user management means for executing authentication processing for a user (Column 4 line 65 – Column 5 line 6 and Column 10 line 65 – Column 11 line 2);

said user management means having a registration table having registered therein the user registration state and the service use state from one registered user to another, said user management means being configured for executing the authenticating processing based on said registration table (Column 4 line 65 – Column 5 line 50).

Claim 7 is rejected as applied above in rejecting claim 1. Furthermore, Alt teaches service registration means for registering a service furnished to the user (Column 4 line 65 – Column 5 line 6);

said service registration means including means for generating user identification data for authentication corresponding to a service to be furnished by said service furnishing device (Column 4 line 65 – Column 5 line 42, Column 8 line 34 – Column 9 line 4 and Column 10 lines 25 – 52);

said portable information processing device being configured for storing the user identification data for authentication generated by said service registration means in said variable user identification data storage means as variable user identification data (Column 3 lines 15 – 28 and Column 8 line 52 – 65).

Claim 8 is rejected as applied above in rejecting claim 1. Furthermore, Alt teaches wherein said variable user identification data includes the information for setting the service mode of a service furnished by said service furnishing device (Fig. 6 #64 and Column 12 lines 1 – 5).

Claim 10 is rejected as applied above in rejecting claim 9. Furthermore, Alt teaches synthesizing means generating authentication data which is based on said fixed user identification data and said variable user identification data (Fig.6 #60, Column 11 line 63 – Column 12 line 5 and Column 13 lines 10 – 22).

Claim 11 is rejected as applied above in rejecting claim 9. Furthermore, Alt teaches said variable user identification data is stored in said variable data storage means in association with a service identifier; wherein corresponding variable user identification data is extracted from said variable data storage means based on said service identifier received from said service furnishing device to output the data for authentication which is based on the extracted variable user identification data (Column 10 lines 38 – 52).

Claim 12 is rejected as applied above in rejecting claim 9. Furthermore, Alt teaches wherein said variable user identification data includes the mode setting information for the service furnished by said service furnishing device (Column 10 lines 38 – 52).

Claim 13 is rejected as applied above in rejecting claim 9. Furthermore, Alt teaches wherein said contact point A is curved in profile to follow the mounting side of the human body (Fig. 2 A,B,C, Fig 3 A, B; Column 3 lines 24 – 41 and Column 12 lines 9 – 62).

Claim 14 is rejected as applied above in rejecting claim 9. Furthermore, Alt teaches adapted for being mounted on one of a finger, an arm, a neck, a leg, a foot or a head of the user (Fig. 2 A, B, C, D, F; Fig 3 A, B; Column 3 lines 24 – 41 and Column 12 lines 9 – 62).

Claim 15 is rejected as applied above in rejecting claim 9. Furthermore, Alt teaches the portable information processing device enclosed in any of a wrist-watch, a necklace, a ring, a hair band or bracelet (Fig. 2 A,B,C, Fig 3 A, B; Column 3 lines 24 – 41 and Column 12 lines 9 – 62).

Claim 18 is rejected as applied above in rejecting claim 17. Furthermore, Alt teaches wherein the step of generating said data for authentication includes a step of synthesizing said variable user identification data and said fixed user identification data (Fig.6 #60, Column 11 line 63 – Column 12 line 5 and Column 13 lines 10 – 22).

Claim 19 is rejected as applied above in rejecting claim 17. Furthermore, Alt teaches wherein said service furnishing device executes the step of authentication processing executing the authentication processing based on said data for authentication transmitted from said portable information processing device through said contact points A and B (Fig.4 #33, #35 and Column 8 line 34 – Column 9 line 23);

said control step controlling the service execution based on the results of authentication processing by said authentication step (Fig. 4 #33 and Column 7 lines 20 – 31).

Claim 20 is rejected as applied above in rejecting claim 17. Furthermore, Alt teaches wherein said service furnishing device includes a step of generating user identification data for authentication corresponding to a service to be furnished (Column 8 line 34 – Column 9 line 4 and Column 10 lines 25 – 52);

said portable information processing device is configured for receiving user identification data for authentication generated by said means adapted for generating user identification data for authentication from said service furnishing device through said contacts B and A, and for storing the so-received data in said variable user identification data storage means as variable user identification data (Fig. 4 and Column 10 lines 25 – 52).

Claim 21 is rejected as applied above in rejecting claim 17. Furthermore, Alt teaches a user management step of executing authentication processing for a user (Column 4 line 65 – Column 5 line 6);

said user management step including a step of generating a registration table having registered therein the user registration state and the service use state from one registered user to another (Column 4 line 65 – Column 5 line 42 and Column 10 line 65 – Column 11 line 2);

said authentication processing being carried out based on said registration table (Column 4 line 65 – Column 5 line 50).

Claim 22 is rejected as applied above in rejecting claim 17. Furthermore, Alt teaches a step of registering a service to be furnished to a user (Column 4 line 65 – Column 5 line 6);

said service registration step including a step of generating user identification data for authentication corresponding to a service furnished by said service furnishing

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device (Column 4 line 65 – Column 5 line 42, Column 8 line 34 – Column 9 line 4 and Column 10 lines 25 – 52);

said portable information processing device having a step of storing the user identification data for authentication generated in said variable user identification data storage means as variable user identification data (Column 3 lines 15 – 28 and Column 8 line 52 – 65).

Conclusion


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy
June 27, 2006.


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